

No. 89
STATE OF MICHIGAN
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REGULAR SESSION OF 2007

Senate Chamber, Lansing, Wednesday, September 19, 2007.

12:00 noon

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Olshove—present

Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Schauer—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Hansen Clarke of the 1st District offered the following invocation:

Dear Lord, today is likely to be one of the most challenging days of the Senate this session. But even in the midst of all of our work, Lord, please allow us to appreciate that today, and, in fact, each moment of this day is a precious gift that You have given us to show how much You love us and to give us a chance of sharing that love with others. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Bishop, Richardville, Birkholz and Basham entered the Senate Chamber.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 12:03 p.m.

1:49 p.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Garcia, Cherry, Whitmer, Hunter, Jansen and Barcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 18:
House Bill Nos. 5194 5198

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 18, for her approval the following bill:

Enrolled Senate Bill No. 633 at 10:23 a.m.

The Secretary announced that the following official bills were printed on Tuesday, September 18, and are available at the legislative website:

Senate Bill Nos. 776 777 778 779 782

House Bill Nos. 5240 5241 5242

Messages from the Governor

Senator Cropsey moved that consideration of the following bill be postponed for today:

Senate Bill No. 436

The motion prevailed.

The following messages from the Governor were received:

Date: September 18, 2007

Time: 12:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 69 (Public Act No. 61), being

An act to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers

and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

(Filed with the Secretary of State on September 19, 2007, at 9:18 a.m.)

Date: September 18, 2007

Time: 12:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 207 (Public Act No. 62), being

An act to amend 1995 PA 24, entitled “An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,” by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2006 PA 281 and section 8 as amended by 2006 PA 484.

(Filed with the Secretary of State on September 19, 2007, at 9:20 a.m.)

Date: September 18, 2007

Time: 2:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 633 (Public Act No. 60), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 43537 (MCL 324.43537), as amended by 1996 PA 585.

(Filed with the Secretary of State on September 18, 2007, at 2:58 p.m.)

Respectfully,
Jennifer M. Granholm
Governor

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 565

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 565, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 110 and 111 (MCL 750.110 and 750.111), section 110 as amended by 1994 PA 270.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 334

Yeas—38

Allen
Anderson
Barcia

Clark-Coleman
Clarke
Cropsey

Jansen
Jelinek
Kahn

Richardville
Sanborn
Schauer

Basham
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Garcia
George
Gilbert
Gleason
Hardiman
Hunter
Jacobs

Kuipers
McManus
Olshove
Pappageorge
Patterson
Prusi

Scott
Stamas
Switalski
Thomas
Van Woerkom
Whitmer

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4673, entitled

A bill to amend 1961 PA 39, entitled "An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts," by amending section 6 (MCL 442.216).

The bill was placed on the order of Third Reading of Bills.

Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 111

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

Senate Resolution No. 111.

A resolution supporting civic education and observing September 16-22, 2007, as Michigan Legislators Back to School Week.

Whereas, Michigan was created as a representative democracy in which all governmental power is inherent in the people who exercise that power through the legislative, executive, and judicial branches; and

Whereas, In recent years, as a result of a lack of understanding and deteriorating faith in the merits and knowledge required for a successful republican form of government, citizen interest in government and comprehension of the political system has declined; and

Whereas, Benjamin Rush, signer of the Declaration of Independence, stated, "There is but one method of rendering a republican form of government durable, and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education and this can be done effectively only by the aid of the legislature"; and

Whereas, The National Conference of State Legislatures (NCSL) adopted a resolution that declares that citizens all too often maintain little understanding of the functions of the state legislatures and the roles of individual, and public awareness and comprehension of the institutions and procedure of the government is an imperative step to developing public trust and confidence; and

Whereas, The NCSL resolution also states that state legislatures need to increase understanding of the notion of representative democracy, and education regarding representative democracy should highlight the significance of compromise and cooperation and the complexity of resolving competing interests present in our society; and

Whereas, Civic education is a fundamental instrument in endorsing an improved understanding of the legislative institution and the role of legislators in representative democracy; and

Whereas, The NCSL encourages the nation's state legislators to promote civic education about representative democracy; and

Whereas, The NCSL established America's Legislators Back to School Week, a national event where state legislators across the nation visit schools and classrooms to teach students of all ages and grade levels about the practices and objectives of the legislature, as well as to observe activities in the schools; and

Whereas, Legislators will benefit from interacting with students, teachers, and administrators; now, therefore, be it Resolved by the Senate, That the members of this legislative body support civic education to promote an enhanced understanding of the legislative institution and the role of legislators in representative democracy; and be it further

Resolved, That the Michigan Senate declares that the third week in September, September 16-22, 2007, shall be designated as Michigan Legislators Back to School Week and urges all members of the Legislature to visit schools during that week; and be it further

Resolved, That a copy of this resolution be transmitted to the National Conference of State Legislatures as a token of our support.

Senators Clark-Coleman, Clarke, Gleason, Hunter and Jacobs were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Scott, Schauer and Garcia asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

To my colleagues, the time is now. Let's take up those insurance bills so we can have equality all over this state.

Senator Schauer's statement is as follows:

I was absent from the floor yesterday evening when the votes on Senate Bill No. 632 and House Bill No. 4800 were taken to be present with my family in honor of a very special occasion. Had I been here, I would have voted "yes" on Senate Bill No. 632 and "yes" on House Bill No. 4800.

Senator Garcia's statement is as follows:

On September 12, I was absent from this chamber and there was one vote in particular that was Roll Call vote No. 323 and it passed 30-something to nothing. I would have voted "yes" on that one. Then on Monday, this past Monday, which I think was the 17th, the items in particular, the continuation budgets, I would have voted "yes"; albeit reluctantly, but "yes." I would have voted "yes."

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hunter, Brater, Basham, Olshove, Scott and Gleason introduced

Senate Bill No. 784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Hunter, Brater, Basham, Olshove, Scott and Gleason introduced

Senate Bill No. 785, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Kuipers introduced

Senate Bill No. 786, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Patterson introduced

Senate Bill No. 787, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 10 and 10u (MCL 460.10 and 460.10u), as added by 2000 PA 141.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Jacobs, Richardville and Gleason introduced

Senate Bill No. 788, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16334 and part 179A.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Jacobs and Switalski introduced

Senate Bill No. 789, entitled

A bill to amend 2006 PA 593, entitled "An act to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines," by amending section 1 (MCL 550.281).

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators Pappageorge, Van Woerkom, Kuipers, Richardville, Garcia, Hardiman, Cropsey, Jansen, Stamas, Allen, Birkholz, Brown, Gilbert, Kahn, Sanborn and Bishop introduced

Senate Bill No. 790, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 520 (MCL 206.520), as amended by 1995 PA 245.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Van Woerkom, Richardville, Cropsey, Pappageorge, Garcia, Kuipers, Jansen, Stamas, Allen, Hardiman, Birkholz, Brown, Gilbert, Kahn, Sanborn and Bishop introduced

Senate Bill No. 791, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Kahn, Van Woerkom, Kuipers, Cropsey, Richardville, Garcia, Jansen, Stamas, Allen, Hardiman, Birkholz, Brown, Gilbert, Pappageorge, Sanborn and Bishop introduced

Senate Bill No. 792, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as amended by 2000 PA 42.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Richardville, Van Woerkom, Kuipers, Garcia, Hardiman, Cropsey, Pappageorge, Jansen, Stamas, Allen, Birkholz, Brown, Gilbert, Kahn, Sanborn and Bishop introduced

Senate Bill No. 793, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5194, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5198, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Cropsey moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

The motion prevailed, a majority of the members serving voting therefor.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 774, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 8 and 9 (MCL 207.628 and 207.629), section 8 as amended by 1993 PA 58 and section 9 as amended by 2005 PA 312.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 775, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as amended by 2004 PA 357.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 778, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4185, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2007 PA 5.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Ron Jelinek
Chairperson

To Report Out:

Yeas: Senators Jelinek, Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, September 18, 2007, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, George, Jansen, Brown, McManus, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott

Excused: Senators Garcia, Stamas and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, September 18, 2007, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, September 19, 2007, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Pappageorge, Olshove and Basham

Excused: Senator Garcia

Scheduled Meetings

Economic Development and Regulatory Reform - Monday, September 24, 10:00 a.m., Dundee Village Office, 350 West Monroe Street, Dundee (373-7670)

Energy Policy and Public Utilities - Thursday, September 20, 1:00 p.m., Room 210, Farnum Building (373-7350)

Homeland Security and Emerging Technologies - Thursday, September 20, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 2:03 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, September 20, 2007, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

